

NAME OF COURT AND DISTRICT, BRANCH, OR DIVISION, IF ANY:  	<b>FOR COURT USE ONLY</b>
<p style="text-align: center;"><b>PEOPLE OF THE STATE OF CALIFORNIA</b></p> <p style="text-align: center;">vs.</p> DEFENDANT:	CASE NUMBER:
<p style="text-align: center;"><b>PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)</b> (Penal Code, §§ 136.2 and 1203.097(a)(2))</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> ORDER PENDING TRIAL  <input type="checkbox"/> ORDER POST-TRIAL PROBATION CONDITION         </div> <div style="width: 45%;"> <input type="checkbox"/> MODIFICATION  <input type="checkbox"/> DOMESTIC VIOLENCE CASE (Pen. Code, § 13700)         </div> </div>	

**THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER**

PERSON TO BE RESTRAINED (Complete name): \_\_\_\_\_

Sex: ☐ M ☐ F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

☐ The defendant is a peace officer with \_\_\_\_\_ Department.

1. This proceeding was heard  
 on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
 by judicial officer (name): \_\_\_\_\_
2. ☐ Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.

**GOOD CAUSE APPEARING, THE COURT ORDERS**

3. The above-named defendant
  - a. must not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.
  - b. **must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within**
    - (1) ☐ 24 hours after issuance of this order (if restrained person is present at hearing)
    - (2) ☐ 48 hours after service of this order (if restrained person is not present at hearing)
    - (3) ☐ other (specify): \_\_\_\_\_

**The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.**
  - c. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
  - d. ☐ must have no personal, telephonic, or written contact with the protected persons named below.
  - e. ☐ must have no contact with the protected persons named below through a third party, except an attorney of record.
  - f. ☐ must not come within \_\_\_\_\_ yards of the protected persons named below.
  - g. ☐ may have peaceful contact with the protected persons named below only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in case no. \_\_\_\_\_, issued on (date): \_\_\_\_\_, as an exemption to the "no contact" or "stay-away" provision in paragraph (d), (e), or (f) of this order.
  - h. ☐ may have peaceful contact with the protected persons named below only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exemption to the "no contact" or "stay away" provisions in paragraph (d), (e), or (f) of this order.
4. ☐ The protected person may record any prohibited communications made to him or her by the restrained person.
5. COMPLETE NAMES OF PROTECTED PERSONS:
6. Other orders including stay-away orders from specific locations:
7. This order expires on (specify date): \_\_\_\_\_  
 If no date is listed, this order expires three years from the date of issuance.

Date: \_\_\_\_\_

## WARNINGS AND NOTICES

1. This order takes precedence over any other prior or subsequent conflicting protective order, visitation order, or any other order of the court.
2. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.** Violation of this restraining order may be punished as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
3. **NOTICE REGARDING FIREARMS.** Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the restraining order. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.
4. **ENFORCING THIS RESTRAINING ORDER IN CALIFORNIA**
  - This order **shall** be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
  - Law enforcement **shall** determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement **shall** advise the restrained person of the terms of the order and, if the restrained person fails to comply, shall enforce it. (Family Code, § 6383.)
5. **ENFORCING RESTRAINING ORDERS ACROSS STATE LINES.** Restraining orders from other states, the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and U.S. territories shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the laws of that place or tribunal, and shall be enforced as if they were California orders. Such orders shall be presumed valid when the order appears authentic on its face. (Family Code, § 6380.5(a).)
6. **CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA).** The restraining order herein meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.
7. **EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS**
  - These orders are effective as of the date they were signed by a judicial officer.
  - These orders expire as explained in item 7 on the reverse.
  - If no expiration date is listed for the restraining orders, they expire three years from the date issued. Child custody, visitation, support orders and property and other orders have different expiration dates and generally remain in effect until further court order.
8. **CHILD CUSTODY AND VISITATION**
  - Child custody and visitation orders may be established or modified in Family, Juvenile, or Probate court.
  - Any contact between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
  - If box 3(h) is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.